

**Locations of new provisions and major changes to the
Water Quality Management Planning Rules (N.J.A.C. 7:15)**

	Old Rules	New Rules
How to obtain Program forms and information including web information	<ul style="list-style-type: none"> Not contained in old rule 	<ul style="list-style-type: none"> New N.J.A.C. 7:15-1.6 – Contains Program contact information including web address
Conservation restriction form and recording requirements	<ul style="list-style-type: none"> Not contained in old rule 	<ul style="list-style-type: none"> New N.J.A.C. 7:15-1.7 - Requires conformance with NJ Conservation Restriction and Historic Preservation Restriction Act, N.J.S.A. 13:8B-1 et seq. Allows existing agricultural uses to continue.
Consistency Determination requirements	<ul style="list-style-type: none"> Lists projects and activities that require a formal consistency determination (N.J.A.C. 7:15-3.1(b)) 	<ul style="list-style-type: none"> Clarifies and expands list of land use and water supply projects and activities that require a formal consistency determination (N.J.A.C. 7:15-3.1(b)) to include those anticipated to have impacts on water quality
Consistency Determination review procedures	<ul style="list-style-type: none"> Information required for a consistency determination review (N.J.A.C. 7:15-3.2(a)) Departments consistency determination review procedures (N.J.A.C. 7:15-3.2(c)) 	<ul style="list-style-type: none"> Expands and clarifies complete consistency determination application requirements (N.J.A.C. 7:15-3.2(a)) Expands and clarifies the list of water quality management (WQM) plan components that shall be used when making a consistency determination including available capacity at a treatment works, Stormwater BMPs, riparian zones, steep slopes, 201 Facilities Plan grant conditions, TMDLs and water supply availability (N.J.A.C. 7:15-3.2(c))
Water Quality Management Plan revisions	<ul style="list-style-type: none"> Identifies substantive changes to WQM Plans that may be processed under the easier revision process, provided no significant individual or cumulative impacts will occur to environmentally sensitive areas or other natural resources (N.J.A.C. 7:15-3.5(b)4) 	<ul style="list-style-type: none"> Clarifies and adds projects to the list of substantive changes that may be processed as revisions and links projects to proposed environmental standards (N.J.A.C. 7:15-3.4(b)). New revisions include: Projects involving less than 100 acres and generating less than 8,000 gallons per day (fewer than 23 residential units) of wastewater discharging to septic systems where WMPs are out of date (N.J.A.C. 7:15-3.5(b)4vi) Projects utilizing “reclaimed water for beneficial reuse” (RWBR) to reduce wastewater discharges below the head of tide (N.J.A.C. 7:15-3.5(b)4vii) Projects utilizing RWBR to reduce existing

		<p>wastewater discharges above the head of tide provided conditions are met (N.J.A.C. 7:15-3.5(b)4viii)</p> <ul style="list-style-type: none"> • Connection of an existing structure not in the sewer service area (SSA) with a malfunctioning septic system provided conditions are met (N.J.A.C. 7:15-3.5(b)4ix) • Clustered residential development utilizing septic systems or a NJPDES regulated discharge provided that a minimum of 70 percent of the property is permanently restricted from development through a conservation restriction (see N.J.A.C. 7:15-1.7) provided restrictions are met (N.J.A.C. 7:15-3.5(b)4x)
Validity of site specific WQM plan amendments, revisions and WMPs (aka “Grandfathering”)	<ul style="list-style-type: none"> • The old rule contained outdated language regarding validity of amendments (N.J.A.C. 7:15-3.8) and WMPs (N.J.A.C. 7:15-5.2) submitted or adopted prior to October 2, 1989. 	<ul style="list-style-type: none"> • Proposed WMPs that were filed under the old rule remain subject to the old rule unless disapproved or returned by the Department (N.J.A.C. 7:15-5.2(b)) • Proposed site specific WQM plan amendments for which a noticed has been filed for publication or published in the New Jersey Register are subject to old rule unless disapproved or returned by the Department (N.J.A.C. 7:15-3.8(b)) • Proposed revisions not adopted before the rule amendments effective date (July 7, 2008) are subject to the amended rule (N.J.A.C. 7:15-3.8(c)) • Site specific amendments and revisions adopted prior to the rule amendments are valid for 6 years from date of adoption or until the wastewater service area is revoked, whichever is later (N.J.A.C. 7:15-3.8(d)) • Site specific amendments or revisions adopted after these rule amendments are valid for six years from date of adoption unless an updated wastewater management plan (WMP) includes the amendment or revision (N.J.A.C. 7:15-3.8(e))
Coordination with the Highlands Council	<ul style="list-style-type: none"> • Not contained in old rule 	<ul style="list-style-type: none"> • New N.J.A.C. 7:15-3.10. Addresses coordination responsibility with the Highlands Council as a result of the Highlands Water Protection and Planning Act, N.J.S.A. 13:20-1 et seq. Requirements are similar to those of the Pinelands Commission

New categories of Treatment Works Approvals deemed to be consistent	<ul style="list-style-type: none"> • Treatment Works Approvals (TWAs) for projects or activities listed to the right would be deemed inconsistent under the old rule (N.J.A.C. 7:15-4) 	<ul style="list-style-type: none"> • TWAs for improvements to conveyance systems needed to comply with the combined sewer overflows policy, excluding wastewater facility expansions or upgrades, are deemed consistent (N.J.A.C. 7:15-4.2(a)5) • TWAs for new or expanded significant indirect users (SIUs) are not considered to be inconsistent (N.J.A.C. 7:15-4.3(a)1) • Industrial treatment works that do not handle process wastewater or sanitary sewage continue to not be considered inconsistent, however, TWAs for these activities must comply with any wasteload allocations established in an adopted TMDL to maintain that determination (N.J.A.C. 7:15-4.3(c)3) • TWAs for permanent holding tanks, discharges to ground water of non-contact cooling water or discharges to ground water of filter backwash water from potable water treatment plants are also not considered to be inconsistent (N.J.A.C. 7:15-4.3(c)4 and 5)
Wastewater Management Plan Update	<ul style="list-style-type: none"> ▪ Each WMP agency was to submit a WMP in accordance with a schedule in the old rule and continually update that WMP every 6 years (N.J.A.C. 7:15-5.23) 	<ul style="list-style-type: none"> ▪ Areas with no WMP or an outdated WMP must submit a WMP or WMP update by April 7, 2009 (N.J.A.C. 7:15-5.23(b)), or all future wastewater service areas will be withdrawn until an updated WMP is adopted (N.J.A.C. 7:15-5.2(e)) ▪ Each WMP agency shall prepare and submit a WMP update every 6 years from the date of last adoption (N.J.A.C. 7:15-5.23(a) unless an alternative schedule is established (N.J.A.C. 7:15-5.23(e) or (f))
Site specific Water Quality Management plan amendments and revisions	<ul style="list-style-type: none"> ▪ Site specific amendments and revisions are allowed in areas where WMPs are not up-to-date (N.J.A.C. 7:15-5.1) 	<ul style="list-style-type: none"> ▪ No site specific amendments are allowed in areas where WMPs are out of date, except for State or Federal projects or those regulated by the Solid Waste Management Act, N.J.S.A. 13:1E-1 et seq., and some revisions are not allowed where a WMP is not up to date (N.J.A.C. 7:15-5.1(a)) ▪ Where site specific amendments are allowed to an updated wastewater management plan, the amendment must comply with the environmental standards at N.J.A.C. 7:15-5.25 except as provided

		in N.J.A.C. 7:15-5.25(h).
Validity of wastewater service area designations in Water Quality Management plans	<ul style="list-style-type: none"> There are no provisions in the old rule that invalidate wastewater service area designations if WMPs are not up to date 	<ul style="list-style-type: none"> Wastewater service area designations in up to date WMPs remain in effect for 6 years from adoption or until one year after the rule amendments are effective (July 7, 2008), whichever is later (N.J.A.C. 7:15-5.2(a)) Wastewater service areas in WMPs filed under the old rule and adopted under the old rule after April 7, 2009 remain valid for 6 years (N.J.A.C. 7:15-5.2(b)) Wastewater service area designations in WQMPs that never had an adopted WMP or in WMPs that are not up to date will remain in effect for 9 months after the effective date of the rule amendments (April 7, 2009)(N.J.A.C. 7:15-5.2(c)) If a new WMP is submitted by April 7, 2009, the wastewater service area designations in the outdated WMP or where no WMP ever existed will remain in affect until the new WMP is either disapproved, returned or adopted by the Department (N.J.A.C. 7:15-5.2(d))
Wastewater Management Planning (WMP) Agencies	<ul style="list-style-type: none"> There are 161 WMP agencies under the hierarchy established in the old rule (N.J.A.C. 7:15-5.4-5.8). This results in inefficient and lengthy review times and makes Department outreach difficult given the limited staff. The Passaic Valley Sewerage Commissioners, joint meetings, county utilities authorities, sewerage authorities, municipal authorities that perform sewerage-related functions and municipalities may currently have wastewater management planning responsibility (N.J.A.C. 7:15-5.5-5.8) WMPs can only be prepared and submitted for complete WMP areas (N.J.A.C. 7:15-5.3(c)) and WMP agencies automatically 	<ul style="list-style-type: none"> WMP responsibility transferred to 21 County Boards of Chosen Freeholders (N.J.A.C. 7:15-5.4) which will facilitate DEP outreach and coordination of plan reviews. The Passaic Valley Sewerage Commissioners, joint meetings, county utilities authorities, sewerage authorities, municipal authorities that perform sewerage-related functions and municipalities now have the responsibility to prepare and submit required elements of a WMP to the WMP agency (N.J.A.C. 7:15-5.3(b), 5.5(a), and 5.8(a)) Each municipality is an independent chapter for that municipality in the county-wide WMP and may be adopted, returned or disapproved independent of

	<p>assume WMP responsibility for any additional SSA in the WMP area (N.J.A.C. 7:15-5.11(b))</p> <ul style="list-style-type: none"> WMP responsibility may be transferred from one governmental unit to another (N.J.A.C. 7:15-5.13) 	<p>other chapters (N.J.A.C. 7:15-5.14(a) and (b))</p> <ul style="list-style-type: none"> Municipalities may request an alternative assignment of WMP responsibility to itself (as a revision to the WQM plan) where the County Board of Chosen Freeholders fails to submit an updated county-wide WMP within the specified time period. The municipality has 90 days after adoption of the voluntary transfer to submit its WMP chapter (N.J.A.C. 7:15-5.13)
Delineation of Sewer Service Area (SSA)	<ul style="list-style-type: none"> The old rule contains no standards for delineation of SSAs. Existing SSAs are broad and include environmentally sensitive areas 	<ul style="list-style-type: none"> The rule at N.J.A.C. 7:15-5.24 requires the re-delineation of SSA to avoid environmentally sensitive areas (N.J.A.C. 7:15-5.24(b)), coastal planning areas (N.J.A.C. 7:15-5.24(c)), or special restricted areas (N.J.A.C. 7:15-5.24(d)) as part of a WMP update Applicants may rebut the presumption that environmental data is correct by providing specific information (N.J.A.C. 7:15-5.24(e)) SSA may include environmentally sensitive areas if specific conditions are met (N.J.A.C. 7:15-5.24(g))
State Development and Redevelopment Plan (State Plan) Endorsement	<ul style="list-style-type: none"> The old rule does not recognize State Plan endorsed plans. 	<ul style="list-style-type: none"> The rule amendments recognized that SSAs may include environmentally sensitive areas designed to accommodate center based development as an element of an endorsed plan approved by the State Planning Commission provided the environmentally sensitive area included in the SSA is not critical to the survival or recovery of a population of endangered or threatened species, the endorsed plan adequately addressed the protection of environmentally sensitive areas outside of the designated SSA and the WMP agency has identified an adequate wastewater management alternative (N.J.A.C. 7:15-5.24(h))
Wastewater Management Planning Provisions and Environmental Standards	<ul style="list-style-type: none"> WMPs address existing and future wastewater jurisdictions, wastewater service areas and treatment works (N.J.A.C. 7:15-5.16 and 5.18) 	<ul style="list-style-type: none"> WMPs address existing and future wastewater jurisdictions, wastewater service areas and treatment works (N.J.A.C. 7:15-5.16 and 5.18), but must also demonstrate compliance with evaluation criteria for existing and future wastewater treatment

		needs, water supply demands, and nonpoint sources of pollution in N.J.A.C. 7:15-5.25.
Environmental build-out analysis	<ul style="list-style-type: none"> An environmental build-out analysis was applied through EO 109 (2000) 	<ul style="list-style-type: none"> An environmental build-out analysis identifying existing and future development expected to connect to sewers by acres and type based on current zoning, excluding wetlands and riparian zones in SSA is required for non-urbanized areas. Development must also be broken down between areas within and outside of public water supply service areas. (N.J.A.C. 7:15-5.25(c))
Existing and Future Wastewater Treatment Needs	<ul style="list-style-type: none"> A 20 year wastewater flow projection is used to establish existing and future wastewater treatment needs (N.J.A.C. 7:15-5.18(a)). 	<ul style="list-style-type: none"> A 20 year wastewater flow projection continues to be used to project existing and future wastewater treatment needs in sewer service areas identified as urbanized municipalities (N.J.A.C. 7:15-5.24(d)1ii), while all other municipalities will estimate future wastewater flows using the information developed in the environmental build-out analysis and flow projections from the NJPDES rules at N.J.A.C. 7:14A-23.3. (N.J.A.C. 7:15-5.25(d)1iii)
Permitted Wastewater Capacity	<ul style="list-style-type: none"> The old rule allows SSA to be larger than available wastewater treatment capacity (N.J.A.C. 7:15-5.18) 	<ul style="list-style-type: none"> The amended rule requires that wastewater to be generated by build-out of the SSA must not exceed the capacity of the sewage treatment plant (N.J.A.C. 7:15-5.25(d)2)
New or Expanded Discharges to Surface Waters	<ul style="list-style-type: none"> An antidegradation analysis was applied through EO 109 (2000) 	<ul style="list-style-type: none"> Any proposed new or expanded treatment works with discharge to surface water is required to perform an antidegradation analysis in accordance with the Surface Water Quality Standards. Applicants must also evaluate the feasibility of using reclaimed water for beneficial reuse, maintaining current pollutant load, maintaining current pollutant concentration, or in Category Two waters, demonstrate a lowering of water quality is necessary based on a socio-economic analysis. (N.J.A.C. 7:15-5.25(d)3)

Nitrate Planning Standard for Discharges to Ground Water	<ul style="list-style-type: none"> ▪ NJPDES permitted discharges to ground water are not required to meet a nitrate planning standard in the old rule. ▪ Individual subsurface sewage disposal systems (ISSDS) were not regulated in the old rule. 	<ul style="list-style-type: none"> ▪ The amended rule requires demonstration of compliance with a 2 mg/L nitrate planning standard over a HUC 11 in areas designated to be served by wastewater discharges to ground water (N.J.A.C. 7:15-5.25(e)). For ISSDS the resulting average lot size will be between 4 and 7 acres per septic system (septic density standard for areas outside of approved SSA). Lot sizes may be averaged over a HUC 11 watershed.
Maintenance Program for Individual Subsurface Sewage Disposal Systems	<ul style="list-style-type: none"> ▪ Maintenance of ISSDS is not required under the old rule, which can result in system failure. 	<ul style="list-style-type: none"> ▪ The amended rule requires a mandatory maintenance program for ISSDS, such as an ordinance requiring periodic pump outs that will ensure ISSDSs are functioning properly. (N.J.A.C. 7:15-5.25(e)3)
Water Supply	<ul style="list-style-type: none"> ▪ There are no water supply standards in the old rule. Water supply issues were addressed through EO 109. 	<ul style="list-style-type: none"> ▪ The amended rule requires WMPs to identify public water supply service areas by purveyor (N.J.A.C. 7:15-5.15(a)). DEP will assess the adequacy of water sources to meet the identified needs with respect to compliance with the New Jersey State Water Supply Plan, regional water supply plans or TMDLs adopted as WQM plan amendments, as applicable. (N.J.A.C. 7:15-5.25(f))
Stormwater	<ul style="list-style-type: none"> ▪ There are no stormwater standards in the old rule. Stormwater issues were addressed through EO 109. 	<ul style="list-style-type: none"> ▪ The amended rule requires maintaining ground water recharge and control of stormwater runoff quantity and quality in accordance with the Stormwater Management rules, N.J.A.C. 7:8 (N.J.A.C. 7:15-5.25(g)1)
Riparian Zones	<ul style="list-style-type: none"> ▪ There are no riparian zone standards in the old rule. Riparian zone issues were addressed through EO 109. 	<ul style="list-style-type: none"> ▪ The amended rule requires a demonstration that riparian zones adjacent to all waters be protected from avoidable disturbance (N.J.A.C. 7:15-5.25(g)2). The riparian zones are the same as those in the Flood Hazard Area Control Act rules. Compliance with the standard is demonstrated by submission of copies of municipal ordinances preventing new disturbance for projects or activities, other than certain allowed disturbance (N.J.A.C. 7:15-5.25(g)3)

Steep Slopes	<ul style="list-style-type: none"> There are no steep slope standards in the old rule. 	<ul style="list-style-type: none"> The amended rule requires municipalities to adopt an ordinance that prohibits development on steep slopes of 20 percent or greater, except for certain unavoidable disturbance (N.J.A.C. 7:15-5.25(g)6).
Habitat Suitability Determination	<ul style="list-style-type: none"> Not contained in old rule 	<ul style="list-style-type: none"> New N.J.A.C. 7:15-5.26. An applicant may seek a Habitat Suitability Determination from the Department in accordance with this section if it wished to rebut the presumption that a habitat patch of Rank 3, 4 or 5 on the Department's Landscape Maps of Habitat for Endangered, Threatened and Other Priority Wildlife is accurate.
List of Water Quality Limited Segments	<ul style="list-style-type: none"> Old N.J.A.C. 7:15-6 contains the requirements for Water Quality Limited Surface Waters. 	<ul style="list-style-type: none"> The amended rule for Lists of Water Quality Limited Segments (N.J.A.C. 7:15-6.2) sets forth the process for identifying and listing water quality limited segments and incorporates the Federal requirements by reference and also incorporates by reference any guidance documents that EPA generates for States to follow in developing Lists of Water Quality Limited Segments. The Integrated Water Quality Monitoring and Assessment Methods document sets forth the assessment methods used to develop the List of Water Quality Limited Segments (N.J.A.C. 7:15-6.2(b)). The public process for proposing and adopting Lists of Water Quality Limited Segments is located at N.J.A.C. 7:15-6.2(c), (e) and (g) and 6.4.
Total Maximum Daily Loads	<ul style="list-style-type: none"> Old N.J.A.C. 7:15-7 contains the requirements for Total Maximum Daily Loads. The old rule does not incorporate the Federal requirements and guidance. 	<ul style="list-style-type: none"> N.J.A.C. 7:15-7 was repealed. The TMDL requirements were moved into N.J.A.C. 7:15-6.3. The amended rule for TMDLs sets forth the priorities and schedule for development of TMDLs to address impairments in water quality limited segments, for developing TMDLs and plans to implement TMDLs, and incorporates the Federal requirements and any guidance documents that EPA generates for States to follow in developing TMDLs by reference. The components in a TMDL document are listed at N.J.A.C. 7:15-6.3(b). The public process for proposing and adopting TMDLs is located at N.J.A.C. 7:15-6.3(c) and 6.4.
Wastewater Service Area	<ul style="list-style-type: none"> Of 161 existing WMP areas established 	<ul style="list-style-type: none"> The amended rule at N.J.A.C. 7:15-8 provides for

<p>Withdrawal</p>	<p>through the hierarchy in the old rule (N.J.A.C. 7:15-5.4-5.8), only 13 were up to date when the rule amendments were proposed. Many WMP agencies have never developed a WMP for their area, which provides an inadequate basis for decision making regarding wastewater management.</p>	<p>the withdrawal of all wastewater service area designations (sewer service area and general service area designations for wastewater facilities discharging planning flows of <20,000 gallons per day to ground water and general service area designations for wastewater facilities discharging planning flows of <2,000 gallons per day to ground water) where a WMP is not current, in accordance with the requirements at amended N.J.A.C. 7:15-5.2(b), 5.13 and 5.23 effective April 7, 2009 if no wastewater management plan is submitted.</p> <ul style="list-style-type: none"> ▪ Exceptions to this wastewater service area withdrawal include infill development where all possible intervening connections between developed lots will not exceed a flow generation of 2,000 gallons per day, and sewer lines, lots and improvements on lots all exist on the date the wastewater service area was withdrawn (N.J.A.C. 7:15-8.1(b)1); projects that have received prior to the effective date of the withdrawal, both a preliminary or final site plan approval or equivalent and a DEP TWA or NJPDES permit, if required (N.J.A.C. 7:15-8.1(b)2) and if using ISSDSs a permit to construct or alter the septic system issued by the local health department (N.J.A.C. 7:15-8.1(c) 3ii); projects that have received a site specific WQM plan amendment or revision adopted prior to the withdrawal remain valid for 6 years from the date of adoption of the amendment or revision (N.J.A.C. 7:15-8.1(b) 3); projects that require an industrial treatment works that does not handle process wastewater or sanitary sewage (N.J.A.C. 7:15-8.1(b)4); and projects on ISSDS or other subsurface sewage disposal systems that have a valid approval issued by the Department for construction of 50 or more realty improvements (N.J.A.C. 7:15-8.1(c)3i). ▪ Certain existing or approved ISSDSs serving fewer than 6 dwelling units or other subsurface sewage disposal systems discharging 2,000 gallons per day or less to ground water are deemed consistent with
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		<p>the new designation (N.J.A.C. 7:15-8.1(c)). Additionally, repair or minor expansions of existing wastewater facilities with discharge to ground water are deemed consistent provided the total wastewater flow generated is 2,000 gallons per day or less (N.J.A.C. 7:15-8.1(c)4).</p>
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